IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 21567 of 2004

Between:

Smt. P. Venkata Subbamma, W/o. Poli Reddy, Hindu,
R/o. Kaluvapalli Village, Racherla Mandal,
Prakasam District.

..... PETITIONER

AND

1. The District Collector,

   Prakasam District, Ongole.
2 The Mandal Revenue Officer,

   Racherla Mandal, Prakasam District.
3 The Chief Executive Officer,

   A.P. Wakf Board, Kingkoti, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate Writ, Order or direction, declaring the action of the respondents in coming into the lands of the petitioner in Survey Nos.902, and 921 admeasuring Ac.4.27 Cents Situated at Kaluvapalli Village, Racherla Majara, Racherla Mandal, Prakasam District without giving notice and also without passing final orders under Section 36 of Wakf Act as arbitrary, illegal and further direct the respondents not to resort for any action or dispossession without passing the final order under Section 36 of Wakf Act and without following due process of law.

Counsel for the Petitioner: MR.T.P.ACHARYA

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3: Mr.S.M.Subhan

The Court at the stage of admission made the following:

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 21567 of 2004

ORDER:

The writ petition is totally misconceived. The petitioner already obtained a direction from the competent civil Court on 23-09-1999, wherein, the order reads as follows:

> "That the defendants and their subordinates be and are hereby restrained by means of permanent injunction from interfering with the plaintiff's peaceful possession and enjoyment of the schedule land till the land is recovered in accordance with the procedure prescribed under Section 36-B of A.P.Wakf Act."

2. On perusal of the said order, it is clear that civil Court has already granted injunction, restraining the respondents herein from interfering with the peaceful possession and enjoyment of the schedule land. Therefore, this Court cannot give any direction for the same relief at this stage.

3. Hence, the writ petition is dismissed. In the circumstances of the case, there shall be no order as to costs.

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November 25, 2004

Kvr

TO

1 The District Collector, Prakasam District, Ongole.
2 The Mandal Revenue Officer,

Racherla Mandal, Prakasam District.
3 The Chief Executive Officer,

A.P. Wakf Board, Kingkoti, Hyderabad.

4 Two C.Cs. to G.P. for Revenue, High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

5 Two C.D. Copies.